

CHAPTER IX FUTURE LAND USE

INTRODUCTION

Since its incorporation, Sutton has evolved from an agricultural community to a primarily rural, residential community with many residents commuting daily to surrounding areas for employment. There are many home-based and small businesses located in Sutton, which provide a local employment base but do not draw many people in from outside the Town for employment opportunities.

As Sutton considers the planning of its future land use, thought must be given to how the land is currently being used and regulated in order to evaluate future outcomes and development. The Current Land Use Chapter contains information on how land in Sutton is currently being used and regulated.

As Sutton moves into the 21st century, the following goals can serve as starting points for discussions on zoning changes, land development regulations, and actions taken by the town on the issues of land conservation, business development, and community facilities expansion.

- 1) Develop a long-range picture for land use – the types and uses allowed, locations, and density – and modify the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations if necessary.
- 2) Promote development that complements the natural and historic resources of the community.
- 3) Ensure that development in Town happens in a manner that ensures that impacts on community services are taken into consideration.
- 4) Provide for open space throughout the Town that can be used for forestry, agriculture, recreation, and conservation.

This Chapter describes the recommendations that the Town of Sutton can undertake in order to move toward achieving the future land use goals listed above. The recommendations contained within this Chapter are proactive, comprehensive, and long-range in scope and should not be considered a “quick fix.” Rather, the recommendations should be looked at as a starting point for further discussions on how Sutton wants to grow and develop in the next 10 years.

VISION OF FUTURE LAND USE IN SUTTON

Sutton’s land use future is at a cross-roads. With development pressure moving north from Concord and south from the Dartmouth Upper Valley region, relatively large tracts of undeveloped land within the Town’s borders, and minimal land use regulations, Sutton has the ability to choose how it will look in the future.

Land Use Vision

The future land use vision of Sutton is that of a rural community with a mix of housing located in the villages, neighborhoods, and in the countryside, with home businesses and small-scale businesses providing services and employment opportunities to local residents. Community services and infrastructure will be developed, located, and maintained in order to best serve the community in an effective and efficient manner. Agriculture, forestry, and recreation lands will be incorporated throughout the town and the natural and historic resources will be preserved and protected for future generations to enjoy.

The following are principles that can help guide this future land use vision of Sutton.

- Involve the community in planning and implementation by ensuring that development retains and enhances the sense of place, traditions, goals, and values of Sutton.
- Manage growth locally, but work cooperatively with neighboring towns to achieve common goals, and address common problems more effectively.
- Encourage development that is conducive to community life.
- Maintain traditional villages and neighborhoods by using land, resources, and investments in infrastructure efficiently.
- Incorporate a mix of uses by providing a variety of housing, employment, shopping, services, and social opportunities for all members of the community.
- Preserve Sutton's working landscape by sustaining economically viable farm and forest land, and other rural resource lands, to maintain contiguous tracts of open land and to minimize land use conflicts.
- Provide choices and safety in transportation by creating livable, walkable communities that increase accessibility for people of all ages, whether on foot, bicycle, or in motor vehicles.
- Protect environmental quality by minimizing impacts from land development activities, and planning for and maintaining natural areas that contribute to the health and quality of life of communities and people in Sutton.

Overview of Master Plan Chapter Goals

The Master Plan is a comprehensive document, which discusses all aspects of the community. There are five Chapters contained in the Master Plan that outlines the community's goals for the future land use patterns within Sutton. By looking at the goals of the Master Plan and applying them, the Future Land Use Chapter takes shape. These goals are listed below are those that **ONLY** apply to future land use. The complete list of goals can be found in the corresponding Chapters within the Master Plan.

Historic and Cultural Resources Chapter

This Chapter looks to highlight local historic and cultural resources, describes why they are significant, and looks to provide the resources, recommendations, and tools to plan for the preservation, protection, and enhancement of those resources.

Goal – Historic Structures and Sties

- To protect and preserve historic structures of importance in Sutton.

Community Facilities Chapter

The purpose of this Chapter is to inventory and assess current town facilities and programs, identify and assess the adequacy of existing equipment and future equipment needs, identify current and long-term staffing needs, and identify long-term facility and service needs.

Goals – Town Offices

- To meet the needs of town residents in an efficient and effective manner.
- To ensure that Town staff and users of the Town offices are conducting business in a safe, secure, and efficient building that meets their needs.

Goals – Fire Department

- To ensure that the Fire Department facility and equipment can meet the needs of the Department and community through long-range budgeting and planning.
- To ensure that development proposals address fire safety issues.

Goals – Police Department

- To ensure that the Police Department facility and equipment can meet the needs of the Department and community through long-range budgeting and planning.
- To ensure that development proposals address safety issues.

Goal – Highway Department

- To ensure that the Highway Department facility and equipment can meet the needs of the Department and community through long-range budgeting and planning.

Goals – Sutton Free Library

- To ensure that the Library building and equipment meets the needs of the community

Goals – Solid Waste and Recycling Facility

- To ensure that the Transfer Station facility and equipment meet the needs of the Department and community through long-range budgeting and planning.

Goals – Town-Owned Cemeteries

- To ensure the future burial needs of Sutton residents/families will be met.

Goal – Sutton Central School

- To proactively plan for school facilities in a timely manner.

Goal – Kearsarge Regional School District

- To use school facilities in an efficient and effective manner.

Natural Resources Chapter

This Chapter describes the major elements of the natural environment that are within the Town of Sutton. The protection, conservation, and enhancement of the natural environment are important to the residents of Sutton.

Goal - Soils

- To ensure that the soil resources in Sutton are taken into consideration when development proposals are reviewed.

Goals - Sand and Gravel Deposits

- To effectively utilize spent excavation sites for conservation and recreation activities, where appropriate.
- To ensure that all activities taking place at an active or inactive excavation site is appropriate and follows all state and local regulations.

Goals – Water Resources

- To ensure that the water resources in Sutton are protected through voluntary and regulatory efforts.
- Provide for the protection of wetlands during land development activities.
- To meet the federal requirements for Sutton's participation in the National Flood Insurance Program.

Goal – Potential Sources of Contamination

- To ensure clean, safe, and available drinking and surface water for the residents of the Town.

Goal - Slopes

- To ensure that land with steep slopes is developed in a way to minimize negative environmental impacts.

Goal – Scenic Viewpoints

- To preserve scenic views from development that will negatively impact their scenic attributes.

Goals – Flora and Fauna

- To promote the conservation and development of land in a manner that supports wildlife habitat.
- To protect those Species of Special Concern that may exist in Sutton.

Goals – Forests

- To ensure that Town-owned forest land is managed properly and is available for resident use.
- To promote good forest management throughout the Town.

Goals – Conservation Land and Open Space

- To have the Town identify, acquire, and maintain conservation land/easements in Sutton.
- Provide incentives for landowners to maintain their property as open space or conservation land.

Goals - Recreation

- To encourage and promote the development and usage of trails within Sutton.
- To encourage the access to and development of recreational opportunities.

Housing Chapter

The Housing Chapter is intended to identify the current supply of housing in Sutton and the way this inventory has evolved as the community has grown. The Chapter tries to guide land use such that the rural character of the Town is preserved, maintained, and enhanced. The Chapter also recognizes that providing housing opportunities for families, individuals at different stages of their lives, and people at different income levels helps to promote a vibrant and sustainable community.

Goal – Accessory Apartments

- To encourage the development of accessory apartments that will diversify housing stock while retaining the town's rural character.

Goal – Duplex Housing

- To encourage the development of duplexes in order to diversify the housing choices in Sutton.

Goal – Multi-Family Housing

- To guide the development of multi-family housing within Sutton.

Goal – Manufactured Housing

- To allow for the development of manufactured housing in Sutton.

Goal – Elderly Housing

- To allow for the development of housing for elderly persons within Sutton.

Goal – Affordable Housing

- Create a goal of reaching the future planning figure (87) to meet the regional share of affordable housing stock (190 total units).

Goal – Cluster Development

- To encourage housing developments that protect and preserve open space and natural areas, support denser development, and adhere to the principals of traditional neighborhood design.

Transportation Chapter

The Transportation Chapter reaffirms a commitment to the preservation of the rural and open space character of Sutton and seeks to provide an integrated system of transportation for the 21st Century that will minimize traffic congestion and promote an attractive entry corridor and a vibrant community. The purpose of the Chapter is to provide an inventory and assessment of Sutton's transportation network, detail sources of funding for projects, identify new alternative modes of transportation for the Town's population, and provide policy recommendations to improve the existing transportation network and achieve the overall community transportation goals.

Goal - Traffic Count Data

- Utilize traffic count data to identify areas that may become impacted in the future by development.

Goal – Accident Locations

- To reduce the number of accidents in Town that may be caused by unsafe road conditions or the current transportation infrastructure.

Goal – Bridge Network

- To ensure a safe, reliable, and efficient system of bridges that will meet the present and future transportation needs of the Town.

Goal – Private Roads

- To ensure the quality of all roads within the Town of Sutton, regardless of whether they are public or private.

Goals – Class V Gravel Roads and Scenic Roads

- Protect and preserve the existing Class V gravel roads within Town.
- Preserve roads in Town designated as Scenic Roads.

Goals – Class VI Roads

- To encourage, support, and expand the Town's trail network.
- Discourage “scattered and premature” development along Class VI roads.

Goal - Pedestrian Infrastructure

- To reduce the travel speed, as well as the volume, of motor vehicles on residential neighborhood and village roads within Town while increasing safety for pedestrians.

Goals – Parking and Public Transportation

- To have adequate and safe parking areas in key locations in Town to encourage economic activity and ease of use and access to facilities and buildings.
- To ensure that transportation options and services are available to all residents of Sutton.

Goal – Bicycle Infrastructure

- Encourage the planning and development of a safe, accessible, and efficient regional and local bicycle route system for commuting and recreational purposes.

Goal – Town Road Policy

- To have town road construction standards that enhance the uniqueness of Sutton's current and future transportation infrastructure.

Goal – Road Management Plan

- Sutton should have a formal, comprehensive, and up-to-date road management plan.

REGIONAL CONCERNS AND PRESSURES

While the Sutton Master Plan focuses on issues within the Town or within the control of the Town, some emphasis should be given to the outside influences that have an impact on the community. Within the Central NH Region and beyond, regional concerns such as environmental factors, population and housing growth, transportation pressures, and groundwater strongly affect the Town of Sutton.

Partnerships opportunities are identified to foster good relations with neighboring communities on issues that affect multiple towns. Involvement in regional projects, which include Sutton will help the community better place itself in a larger context and participate in activities which will benefit the Town. In this section, specific ideas about how Sutton can become involved in those issues most important to the Town are given to help guide the Town in thinking how its actions can have an effect on the entire Region.

Influences on Sutton from Regional Development

Sutton has a number of outside influences which may affect the Town but which the community has little control over. This section highlights the primary influences that Sutton should be concerned about and offers suggestions about how the Town can get involved. A small amount of participation in these multi-town activities will enable the people of Sutton to voice their opinions and influence possibilities. For many of these issues, Sutton can similarly affect other communities with its own actions.

I-93 Highway Expansion

According to the Environmental Impact Statement (EIS), which was released in April 2004, the basic purpose of the Salem to Manchester section of the project is to “*improve transportation efficiency and reduce safety problems associated with this approximately 19.8-mile segment of highway from the Massachusetts/New Hampshire state line to Manchester.*” The proposal is to widen the I-93 corridor from Salem to Manchester from 4 lanes (2 in each direction) to 8 lanes (4 lanes in each direction). If the current schedule is adhered to, construction will begin in 2005 and be completed by 2016. It is estimated that the results of this expansion will encourage over 100,000 acres of land to be developed and 41,000 people to move to the state over 20 years. These figures are in addition to the already estimated growth and development of the state.

The I-93 Bow to Concord improvement project was added to the New Hampshire Ten Year Transportation Program (Ten Year Plan) in 2001, with the initiation of construction not expected until after 2010. The project will necessitate study of a wide range of options and issues between the I-89/I-93 interchange and Exit 16, including the number of lanes, improvements to exits within the study area, safety improvements, the protection of a future rail corridor, and traffic demand measures. The study is currently underway and the first phase, Phase A, is anticipated to be completed in 2005.

Mt. Sunapee Expansion

The company that runs the Mt. Sunapee ski resort, Okemo, is proposing to create 50 acres of new ski trails and a high-speed ski lift on the western face of Mt. Sunapee. In order to accomplish this plan, a proposal to lease 175 acres from the state is under review by the Department of Resources and Economic Development. The company is also proposing to develop 250 condominiums on land it owns in the Town of Goshen. If the lease agreement is approved, residents of the condominium development will have direct access to the ski trails.

If this expansion of the resort is approved as it is being proposed, Sutton will most likely feel impact in traffic, housing construction, increased enrollment in the regional school district, and more economic development opportunities.

High-Speed Rail – Boston to Montreal

In late 2000, the Boston to Montreal route was designated as one of the nation's three new High Speed Rail Corridors by the Federal Railroad Administration. High Speed Rail corridors have been established to facilitate planning for future transportation needs which will provide alternative travel modes for specific regions.

The principal objectives of High Speed Rail Service are to reduce congestion associated with highway and air travel and provide an alternative mode of travel. In the Boston to Montreal corridor, alternative rail service could reduce growing traffic concerns in the Boston metropolitan area and the I-93 and Route 3 corridors in northern Massachusetts and New Hampshire. The High Speed Rail service could also reduce growing traffic volumes for I-89 in Vermont and New Hampshire. In addition it would provide an alternative travel mode for airline travelers currently using Boston-Logan International, Manchester International, Burlington International or Montreal-Dorval airports which could mitigate anticipated future air travel congestion.

The length of the corridor is approximately 325 miles, roughly equal to the Northeast high speed rail corridor between Boston, MA and Philadelphia, PA. The proposed corridor travels along existing rail rights-of-way from Boston, north to Nashua, NH and up through Manchester to Concord, then turns northwesterly following the former Boston & Maine, Northern Line from Concord to West Lebanon, NH. It crosses the Connecticut River into VT at White River Junction and travels northwesterly to Montpelier, Burlington and St. Albans, Vermont, linking with the Canadian National railroad at Alburg, VT, from Alburg, the line travels the final 65 miles to Central Station in Montreal, Quebec.

There are two phases to this study. Phase I , which was completed in November 2002, assessed the potential ridership, identified institutional and infrastructure issues including integration of existing passenger with freight operations, station selection criteria, and governmental considerations. Phase II of the Plan has been stalled because of the lack of funding by New Hampshire.

Kearsarge Regional School District

The Town of Sutton is part of the Kearsarge Regional School District, which was established in 1966 and contains six other towns. The middle school (grades 6-8) built in 1941, is located in New London, and the addition was completed in 1962. The high school (grades 9-12) is located in Sutton, on North Road, and was built in 1970.

School Department needs are dictated by the future population trends of a community, which are impacted by land development activities. Operating projections, staffing, facilities, and budgeting need to be updated as the number of school-aged children rise and fall. Because many of these expenses, such as an addition to a building, can take years to plan and finish, enrollment projections are vital to ensuring that adequate budgeting and planning are done. The Kearsarge School system enlists the help of experts and state population projections to achieve this goal with fairly accurate results.

In 2003, the decision was made for the Regional School District to purchase 86 acres in Sutton for a new middle school. This will replace the existing school in New London and have a capacity of 700 students. This new school is necessary because the current middle school has a capacity of 450 students and the enrollment is at 562 (2003 figures). There is also ADA compliance and health and safety issues at the current middle school that would be easier to address by building a new facility, rather than trying to fix the current building.

The high school also has had capacity issues that are currently being addressed. In March of '04 the voters of the district passed a bond for the construction of a second floor addition. This increases the capacity by approximately 250 students: seven classrooms, two biology labs, and a computer lab.

Developments of Regional Impact

At the time of plan acceptance, the individual Planning Boards of New Hampshire communities should determine whether or not the project before the Board is a development that has regional impact. As provided in RSA 36:55, a development would be considered as having regional impact if the project could reasonably be expected to impact a neighboring community because of its size, proximity to the neighboring community's transportation networks, proximity to aquifers, and if facilities such as schools and solid waste are shared. If the Planning Board concludes that a project is a development having a regional impact, notice has to be provided by certified mail to the respective regional planning commission and the affected municipality. All recipients will have the status of abutters for the purpose of being provided notice and giving testimony.

Participation in Regional Groups and Organizations

The benefits to being involved with regional groups are a heightened awareness of how outside actions will have an impact on Sutton and the ability to take advantage of the services and knowledge that is available to members or representatives. The shared pool of resources is an asset waiting to be tapped. In addition to the regional groups and organizations mentioned in the previous sections, solid relationships with the following entities should also be developed.

Central NH Regional Planning Commission

The Central NH Regional Planning Commission (CNHRPC) is a voluntary member-driven planning advisory entity in the Concord area. Twenty communities are served. Membership to the CNHRPC provides access to free or low cost planning services such as Master Plan development, development review assistance, traffic counts, zoning ordinance revision, educational workshops, geographic information system mapping, information on latest available programs, grant projects, and statistical data.

Regional Resource Conservation Committee

The Regional Resource Conservation Committee (R2C2) is an advisory committee of the CNHRPC that meets quarterly. Comprised of Conservation Commission, Planning Board, and Board of Selectmen representatives from the 20 towns in the Central NH Region, the group discusses issues which affect their communities and holds guest speaker presentations to inform the R2C2 about the latest environmental or land preservation topics.

Transportation Advisory Committee

The Transportation Advisory Committee (TAC) is an advisory committee of the CNHRPC which is comprised of local appointed representatives from communities within the region as well as members from other local, state, and federal agencies. The official purposes of TAC are to provide technical advice and policy recommendations regarding transportation planning issues. The TAC organizes and recommends projects for the Regional Transportation Improvement Program, the State Transportation Improvement Program, and ranks Transportation Enhancement and Congestion Mitigation-Air Quality grant applications for funding. TAC meets quarterly.

NH Office of Energy and Planning

The Office of Energy and Planning (NHOEP) – formerly the Office of State Planning - is based in Concord and is legislatively required to plan for the orderly development of the state and the wise management of the state's resources; compile, analyze, and disseminate data, information, and research services to advance the welfare of the state; encourage and assist planning, growth management, and development activities of cities and towns; administer select federal and State grant-in-aid programs; and participate and advise in matters of land use planning regarding lakes and rivers management programs. The Office of Energy and Planning typically does most of its work with communities through the regional planning commissions.

Concord Area Trust for Community Housing

Since 1989, the Concord Area Trust for Community Housing (CATCH) has been helping families to become homeowners or find a stable, affordable apartment in the Concord area. Their mission seeks to increase the supply of affordable apartments, searching beyond city limits

to expand housing choices, educating and empowering families to take control of their finances, and nurturing neighborhoods through quality local management. To date, 142 dwellings have been built or rehabilitated and 350 people have gained access to decent and affordable housing.

Goal

To partner with neighboring communities and local groups to enable Sutton to improve the quality of life for its residents and be better able to respond to issues which affect the Town.

Recommendations

- Hold discussions among all area town planning boards to help facilitate a regional housing dialogue.
- Establish a regular regional dialogue, perhaps facilitated by the two regional planning commissions, among Sutton, Warner, Bradford, New London, Wilmot, and Newbury as commercial and residential growth in those towns will have an impact on Sutton.
- Coordinate planning efforts with area Towns, including the regular use of the Developments of Regional Impact statute, obtaining copies of Master Plans and regulations, and holding sub-regional planning conferences on a semi-annual basis.
- Follow the proposed Mt. Sunapee expansion debate to ensure that Sutton will be prepared for any regional impacts the expansion may cause.

Goal

To become involved with state or regional groups, organizations, and agencies to form relationships and to take advantage of free or low cost services and information.

Recommendations

- Encourage landowners to take advantage of assistance from the Natural Resource Conservation Service and the Merrimack County Conservation District to best learn the options for protecting agricultural resources.
- Continue to work with the NH Department of Transportation (NH DOT) on roadway improvement projects in Sutton.
- Work with the Highway District Engineer regarding road maintenance, winter plowing, and driveway permitting to strengthen relationships between the Town and NH DOT.
- Sustain the relationship with CNHRPC to ensure that Sutton continues to learn how to utilize smart growth principles and techniques as the Town faces new development pressures.
- Appoint two representatives to the CNHRPC's Regional Resource Conservation Committee (R2C2).
- Continue to be represented on CNHRPC's Transportation Advisory Committee to ensure that the transportation interests of Sutton are represented.
- Encourage Town officials to regularly visit the NHOEP and CNHRPC websites to view the calendar of educational planning workshops and events.

METHODS TO ACHIEVE FUTURE LAND USE VISION – ZONING ORDINANCE

The following goals and recommendations have been identified here because of their potential impact on the future land use development of the Town. Many of the recommendations were taken directly out of other Chapters while many have been expanded upon through the collaboration with the Future Land Use Chapter Subcommittee. These recommendations specifically focus on Zoning Ordinance changes that the Town can implement to meet the future land use vision.

A Zoning Ordinance can contain three components: Zoning Districts, Zoning Overlay Districts, and Other Zoning Ordinance Provisions. The Zoning Ordinance recommendations presented here should be viewed as a first step in multi-step process. The Master Plan is the starting point for land use regulations, not the ending point. Any changes proposed to the Zoning Ordinance need to be approved by the voters at Town Meeting, in addition to going through the Planning Board public hearing process.

Zoning Districts

The power to regulate private property is one of the most important powers allocated to local government. The following are proposed Zoning Districts – the allowed uses, dimensional requirements, and purposes. See the **Conceptual Future Zoning District Map** for the location of these conceptual Zoning Districts.

Village District (VD)

The purpose of the Village District is to encourage the mixed use development and compact settlement patterns that have historically been located in villages in Sutton and throughout New England. This District would incorporate the existing villages – South Sutton, East Sutton, North Sutton, and Sutton Mills - and an area in which a new village could be developed.

The District would allow new smaller lots to be developed (0.5-1.0 acres) with commensurate frontage and setback requirements. The types of residential uses allowed would be single-family, duplexes, and 3-5 unit multi-family units. Professional offices, such as doctors, lawyers, and architects; small retail, such as bookstores, bakeries, and hairdressers; and bed-and-breakfasts would also be allowed. Mixed-use buildings would be encouraged. According to the 1999 Community Survey, 12.4% of the respondents felt that “businesses and professional offices” are desirable in Sutton.

New development within this District would need to complement abutting properties and enhance the character of the area.

Residential District (RES)

The purpose of the Residential District is to allow for residential neighborhoods to be developed. The uses allowed would be single family and duplex residential units, small home businesses, and bed-and-breakfast businesses. The lot size requirement for new lots would be a minimum of 2 acres.

In the 1999 Community Survey, 21.6% felt that home-based businesses and 18.4% felt that Inns & Bed and Breakfast's were desirable in Sutton.

Rural Residential District (RR)

The purpose of the Rural Residential District is to allow for the use of land for residential and agricultural uses in a rural setting. The uses allowed in this District include single-family homes, bed-and-breakfast businesses, and agricultural uses. The lot size requirements for new lots would be a minimum of 5 acres.

Commercial/Retail District (CR)

The purpose of the Commercial/Retail District is to provide an area of town where this type of development would be allowed by right and to create standards for the review and development of retail and commercial proposals.

In the CR Zone, the lot size would be based on a formula, with a ratio of developed square feet of commercial/retail space (including impervious parking areas) to land needed for a minimum lot size. There would be a cap on the square footage allowed in this Zoning District. There would also be requirements for buffers, landscaping, and architectural design elements to be included in all plans.

The types of uses allowed include automobile sales, restaurants, gas stations, retail stores, and bed-and-breakfasts. Single-family homes would also be allowed. In the 1999 Community Survey, 11.3% of the respondents felt that restaurants and cafes were desirable in Sutton.

Commercial/Industrial District (CI)

The purpose of the Commercial/Industrial District is to provide an area of town where this type of development would be allowed by right and to create standards for the review and development of commercial and industrial proposals. 59% of those responding to the 2004 Community Survey felt that there should be an area dedicated for commercial/industrial development.

In the CI Zone, the lot size would be based on a formula, with a ratio of developed square feet of commercial/industrial space (including impervious parking areas) to land needed for a minimum lot size. There would also be requirements for buffers, landscaping, and architectural design elements to be included in all plans.

The types of uses allowed include automobile service stations, warehouse facilities, raw material storage and processing, and manufacturing. Single-family homes would also be allowed. In the 1999 Community Survey, 15.9% of the respondents felt that light industry was desirable for Sutton.

Goal

To develop Zoning Districts that meet the interests of the public and protect the natural features and characteristics of the land.

Recommendation

- Research the creation of the VD, RES, RR, CR, and CI Proposed Zoning Districts – District areas, table of uses, dimensional requirements, and other additional provisions.

Overlay Districts

Overlay Districts are superimposed upon the regular Zoning Districts so that the regulations pertaining to the Overlay Districts shall be *in addition* to the regulations of the regular Districts. The land within the town may be used if and to the extent that such use is permitted in the applicable regular and Overlay Districts.

Aquifer Protection District

An Aquifer Protection District could be established to preserve and maintain the existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the Town, and protect them from adverse development or land-use practices; to preserve and protect sources of drinking water supply for the public health and safety; and to conserve natural resources. As more and more development occurs within Sutton, it is important that the current aquifers be maintained and protected from incompatible uses. For more information on aquifers, see the Natural Resources Chapter.

Wetlands Overlay District

The purpose of a Wetlands Conservation District is to protect and regulate the use of wetlands and buffer areas in the Town of Sutton. This District is intended to:

- Control the development of structure and land uses within the District that would contribute to the pollution of surface waters and groundwater;
- Prevent the destruction of wetlands which provide flood protection, groundwater recharge, pollution abatement, and the enhancement of stream flow during dry periods;
- Prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of unwise use of water resources;
- Encourage those uses which can be appropriately and safely located in the District;
- Protect potential water supplies and existing aquifers and their recharge areas;
- Preserve and enhance those aesthetic values associated with this area;
- Protect wildlife habitats and maintain ecological balances; and
- Protect unique and unusual natural areas

For more information on wetlands, see the Natural Resources Chapter.

Kezar Lake Watershed Overlay District

Kezar Lake is a 181.45 acre lake in North Sutton. Eighty-eight percent of the water in Kezar Lake comes from Lyon Brook, which itself is composed of Lyon Brook, Clark Brook and King Hill Brook. Kezar Lake is a significant public waterbody for the western section of the state, supplying a moderately sized state park managed by the Department of Resources and Economic Development, many seasonal and year round homes, and a public access to the lake. This public access is also a public swimming beach, Horse Beach.

In 1931, a sewage treatment facility in New London, three miles from Kezar Lake, began to discharge treated effluent into Lyon Brook. In 1963 the first documented algae bloom occurred. In 1990, as a result of lengthy litigation between the Town of New London and members of the Kezar Lake Protective Association, the Town of New London was ordered to pay \$220,000 to the association and a consent decree was entered into by both towns.

Kezar Lake is not like any other lake. It is the most studied lake in the U.S. It has known phosphate deposits at its bottom, bound up with the aluminum salts. Additional phosphates could, at any point, result in the release of the existing phosphates. An algae bloom could then reoccur. The algae bloom from the past has been described as pea soup. The history of Kezar Lake, and its fragile condition, must be remembered when any land use activities in its watershed are considered.

See the Natural Resources Chapter for more information on Kezar Lake.

Goal

To develop Overlay Zoning Districts to that provides protection of Sutton's natural resources.

Recommendations

- Research the creation of an Aquifer Protection Overlay District.
- Research the creation of a Wetlands Overlay District.
- Research the creation of a Kezar Lake Watershed Overlay District.

Other Zoning Ordinance Provisions

In addition to Zoning Districts and Overlay Districts, communities have the ability to adopted numerous other Land Use Regulations that influence and help shape the land use patterns in Town. Some of these Zoning Ordinances are specific to a District, while others can be applied to the entire Town, when certain criteria are met. The following is a summary of these other current Zoning Ordinance provisions.

Animal Hospital/Commercial Kennel Ordinance

This Ordinance would establish the buffer, setback, and screening standards for the operation of such a business. This type of Ordinance would not impact private homeowners with domestic or farm animals unless such animals are part of a commercial kennel or animal hospital.

Campground Ordinance

The purpose of this Ordinance would be to provide regulations for the development of such businesses within Town. Such an Ordinance could contain provisions for the number of sites, length of stay, common facilities that need to be provided, development of roads, public safety provisions, and other types of items.

Conservation Subdivision Ordinance

A Conservation Subdivision Ordinance allows for an alternative subdivision design that would enable the Town to encourage the placement of homes in a manner that optimizes the availability of undeveloped land to be permanently protected open space.

The purpose of this Ordinance would be:

- 1) To help facilitate the economical and efficient provision of public services
- 2) Promoting open space conservation
- 3) Protecting natural and scenic attributes of the land
- 4) Preserving open space while providing greater flexibility in the design or residential subdivisions
- 5) Encouraging diversity and originality in lot layout and individual building design to achieve a harmonious relationship between development and the land.

A Conservation Subdivision Ordinance could allow for greater flexibility of lot sizes, setbacks, road frontage, and street design with the purpose of permanently preserving open land.

See the Housing Chapter for more information on this type of Ordinance.

Excavation Ordinance

Excavation of material, although not as common a commercial enterprise as it once was, still can play a major role in land use. The purpose of this type of Ordinance would be to regulate the excavation of earthen materials through the setting of operational standards and reclamation standards for each site.

Growth Management Ordinance

The purpose of a Growth Management Ordinance (GMO) is to regulate and control the timing of residential development in accordance with the objectives of both the Master Plan and the Capital Improvements Program, which need to be adopted by the Planning Board before a Growth Management Ordinance can be implemented.

Growth Management Ordinances typically contain statistical information, such as number of building permits issued, number of new lots created, tax rate, population estimates, school enrollment figures, as well as others, that cover a ten –year period. In addition, these types of Ordinances can be developed so as to look at growth trends only within the town or as compared to adjacent communities. Growth Management Ordinances are written to give special consideration to bona fide affordable or elderly housing, lots of existing record at the time of adoption of the Ordinance, a method to “carry-over” unused building permits from year to year, and with a sunset provision. Many communities have adopted GMOs but have not implemented the Ordinance because the growth “triggers” contained in the Ordinance have not been met, i.e. the level of growth to justify the Ordinance has not happened.

Home Occupation Ordinance

The purpose of establishing conditions and criteria for home based businesses/occupations is to ensure that any and all such uses of an operation in the residential structure remain subordinate to the principal use of the property as a residence.

Impact Fee Ordinance

A municipal impact fee represents a one-time, up-front charge on a new subdivisions and site plans to pay for future public capital costs serving new development, or to recover past expenditures in capacity to accommodate that development. Impact fees are most commonly

used in New Hampshire for the funding of schools, roads, and recreational facilities. However, impact fees are also being used for fire protection, police department, library, solid waste, water and sewer, and municipal administrative facilities.

The amount of any assessed impact fee should be a proportional share of the municipal capital improvement costs, which are related to the capital needs created by the new development. The impact fees must not be spent on upgrading, replacing, or maintaining existing facilities and services, which already exist prior to any new development. The Town has six years in which to spend the collected fee. If it is not used within that period of time the money must be returned to the property owner.

Manufactured Housing Park Ordinance

The purpose of this Ordinance would be to provide the opportunity and the guidance for the development of manufactured housing parks within select residentially zoned areas of Town. This type of Ordinance could contain regulations for community facilities, public safety, recreation areas, and road standards and maintenance.

Sexually Oriented Businesses Ordinance

The purpose and intent of this Ordinance would be to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Sutton; to promote the health, safety, and general welfare of the citizens of the Town Sutton; and utilize the regulations to prevent problems of blight and deterioration.

The provisions of this type of Ordinance do not have the purpose or effect of:

- Imposing limitations or restrictions on the content on any communicative materials;
- Restricting or denying access by adults to sexually oriented materials or services protected by the First Amendment;
- Denying access by the distributors and exhibitors of sexually oriented entertainment to their intended market; or
- Condoning or legitimizing the distribution of obscene material.

Temporary Storage Trailer Ordinance

The purpose of this Ordinance is to specify the location, number, time limit, and use of temporary storage trailers.

Goal

To ensure that proposed land development activities meet positively benefit the Town.

Recommendations

- Revise the Cluster Development, Excavation, Home Occupation, and the Manufactured Housing Park regulations in the Zoning Ordinance. These should be expanded into their own Ordinances with more detail and specificity.
- Research the creation of the following Zoning Ordinances
 - Animal Hospital/Commercial Kennel Ordinance
 - Campground Ordinance
 - Growth Management Ordinance

- Impact Fee Ordinance
- Sexually Oriented Businesses Ordinance
- Temporary Storage Trailer Ordinance

METHODS TO ACHIEVE FUTURE LAND USE VISION

SITE PLAN REGULATIONS

Commercial, industrial, and multi-family housing developments may have significant impacts on the community. The existing zoning and site plan review regulations do not contain performance standards related to the aesthetic or environmental impact of commercial and industrial developments. Such performance standards should be reviewed and considered by the Town as a way to retain the desirable qualities of Sutton.

All of the recommendations under this Site Plan Regulations section applies to non-residential development, thus excluding single-family and two-family development. This in no way impacts the development of individual homeowners in Sutton.

Signs

Signage can have a significant impact on the visual character of a community. The purpose of sign regulations are to:

- Encourage the effective use of signs as a means of communication;
- Maintain and enhance the aesthetic environment of the Town while retaining the Town's ability to attract and encourage economic development and growth;
- Improve traffic safety;
- Minimize possible adverse effects of signs on nearby public and private property; and
- Enable fair and consistent enforcement of these sign regulations.

Goal

To have signage that complements the historical and aesthetic look of Sutton.

Recommendations

- For free standing signs, encourage landscaping to re-establish ground cover where disturbed by sign installation and to screen the foundation of monument or pedestal signs without blocking the view of sign information.
- Encourage freestanding monument signs and directory signs to be placed perpendicular to approaching vehicular traffic.
- Signs should establish a visual continuity with adjacent building façades and should be oriented to emphasize pedestrian visibility.
- Flashing, rotating, animated, and neon signs should be prohibited.
- Establish regulations for the definition, placement, size, and the duration for temporary signs.

Parking Requirements

Parking requirements impact a community in numerous ways, including pedestrian and driver safety, visual appeal, aesthetics of building design, and environmental impacts.

Goal

Encourage parking that will enhance economic vitality, personal mobility, and convenience while reducing costs, inconvenience, and environmental degradation.

Recommendations

- Parking area designs shall adequately consider safe pedestrian circulation to and from parking spaces and shall maximize opportunities for the safe maneuvering of all vehicles.
- Parking areas that are visible from adjacent public roadways should be visually buffered to complement the surrounding area.
- Encourage the use of alternative pavement materials other than asphalt and concrete, where appropriate. These materials could include brick, crushed gravel, pea stone, stamped concrete, cobblestone, and other similar materials. Allowing the use of such materials will preserve the rural character of the community and add to the aesthetic appeal of smaller commercial developments.
- Adopt provisions that would allow for shared parking between separate lots. Such a requirement would allow the Planning Board, when feasible, to reduce parking requirements for each lot, provided that the peak parking demand of each land use does not occur during the same time periods.
- Requiring developments, at time of subdivision or site plan review, to provide rights-of-way to abutting parcels for the future interconnection of sites to reduce congestion of streets and minimize traffic safety hazards.
- All parking areas should be adequately lit for safety, while keeping in mind aesthetic and environmental concerns. See the Lighting Standards section of this Chapter for more information.
- All parking areas should be required to be off-street.

Landscaping and Screening

Proper landscaping and screening of a site can positively impact the community's visual, environmental, and aesthetic character.

Goals

To preserve and enhance the desirable qualities of the community by establishing landscaping and screening design standards, which would be proportionate to the intensity of the proposed land use(s) and not diminish property values and the visual character of the neighborhood.

Recommendations

- Ensure that each tract of land has an adequate buffer from other properties in order to preserve property values and improve the aesthetic values of properties.
- A landscape buffer should be provided along the perimeter of a structure that is visible from abutting properties or the public right of way.
- Side and rear landscape buffers should be considered for developments to promote proper visual separation and adequate buffering between adjoining properties. Parking areas, driveways, and buildings shall not be located within any required side or rear landscape area.
- Require a landscaping plan to be submitted as part of Site Plan Review.

- The ground level view of all mechanical equipment accessory to the building (not vehicles) with a footprint of fifty square feet or greater should be fully screened from contiguous properties and adjacent streets. Screening should be accomplished by architecturally integrating the equipment into the principal structure or by surrounding it with materials compatible with the principal structure.
- All exterior trash containers shall be screened on each side and shall not be visible from any street.

Exterior Building Façade

The outside façade of a structure tells the story and history of a community. Sutton has a rich history that is consistent with most small New England villages. This is something to be proud of and encouraged.

Goal

Protect the aesthetic character of the community and to improve the quality of new developments constructed within Town.

Recommendations

- Ensure that the development of commercial and industrial structures are consistent with and improve the architectural character of the Town.
- Require that all rooftop mechanical equipment be screened from view with either building walls or roof forms. All sides visible to the public and abutters should have screen materials.
- New roof forms and materials should relate to the roof forms and materials of adjacent structures where appropriate, by duplicating the shape, pitch, and materials. Common roof forms and materials should be required to be duplicated on the primary structure whenever possible.
- To ensure the development of commercial and industrial structures are consistent with, and improve the architectural character of the Town, varied offsets, roof heights and forms, and window placement should be incorporated into all new structures, or additions to existing structures.
- Consider adopting architectural performance standards in the Site Plan Regulations for the Town.
- When developing a site that is located at high elevations, non-reflecting building materials are to be used.

Lighting Standards

Lighting is a critical component of non-residential site design that is used for advertising, safety, and design purposes.. Many communities adopt Lighting Standards to ensure that outdoor lighting does not negatively impact abutting properties or diminish the ability to view the stars at night. These standards could regulate the placement, type, style, number, and wattage of proposed outdoor lighting for commercial entities.

Goal

Consider enacting specific performance standards regarding lighting for non-residential sites that will meet the needs of the sites while protecting visual, environmental, and aesthetic goals.

Recommendations

- Any lighting used to illuminate an off-street parking area, sign, or other structure, should be arranged as to deflect light away from any adjoining properties or from the public streets. Direct or sky-reflected glare should not be permitted.
- In order to minimize glare and other adverse effects, all exterior lighting fixtures shall be of a design that provides for sharp luminaire cutoffs. Further, all fixtures shall be positioned and/or installed in such a fashion as to prevent unwanted incidental illumination of abutting properties and streets.
- Any light or combination of lights from a commercial or industrial development that casts light on a public street shall not exceed one (1) foot-candle (meter reading) as measured from the centerline of the street. Any light or combination of lights, which casts light on a residential property shall not exceed 0.1 foot candles (meter reading) as measured from the property line.
- The Zoning Ordinance and/or Site Plan Review Regulations should stipulate that all lighting fixtures be compatible to the architectural design of the proposed structures and abutting land uses.
- The Planning Board should require a detailed lighting plan for all non-residential site plans. Lighting plans should be required to incorporate standards and techniques included in the *Outdoor Lighting Manual for Vermont Municipalities*.

Environmental Performance Standards

Environmental performance standards should be developed in order to protect the long term environmental quality and overall vitality of commercially developed areas. The variety of permitted uses, taken together with often intensive land use patterns and an inventory of environmental resources, necessitates environmental performance standards. Sample environmental performance standards are provided below:

Performance Standards Related to Odors

Uses and activities which produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, shall be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger or if the Planning Board judges such odor or emission to be harmful to the rights of others to enjoy their property(s).

This standard is not intended to discourage farming in any of the Zoning Districts, as long as the farms are following established best management practices and meeting all state and local health standards.

Performance Standards Related to Noise

The Performance Standards governing noise are intended to ensure that the rights of property owners, as well as the overall health and general welfare of the community, are not diminished by unreasonable noise levels generated by commercial and industrial uses. Specific items that should be included in a noise performance standard include:

- 1) The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, produced by any permitted use or activity on the property and on abutting properties.
- 2) Methods for measuring noise levels.
- 3) Provisions allowing the use of Sound or Noise Abatement techniques.
- 4) An inventory of activities and devices exempt from the Noise Performance Standards, that get reviewed and updated periodically.
- 5) Hours of operation that the activity can take place.

Goal

Ensure that all proposed non-residential development meets environmental performance standards.

Recommendation

- Consider adopting specific environmental performance standards related to odors and noise into the Site Plan Regulations.

METHODS TO ACHIEVE FUTURE LAND USE VISION SUBDIVISION REGULATIONS

Most of the land development activities in Sutton over the past ten years has been for residential subdivisions. Because this type of development is so prevalent and the results of which impact all aspects of the Town, having comprehensive and understandable Subdivision Regulations is important.

Goal

To identify potential concerns with land subdivision applications early in the process.

Recommendations

- Require all major subdivisions to have a conceptual consultation prior to their official submission to the Planning Board for Subdivision Review, as allowed in RSA 674:35(I).
- Provide the Police, Fire, and Highway Departments, as well as the Conservation Commission, complete sets of Major Subdivision plans for their review prior to the public hearing on such an application.

Goal

To improve the land subdivision process.

Recommendations

- Place all subdivision public hearing notices in at least 1 news paper of general circulation and in 3 public places within Town at least 10 days prior to the scheduled public hearing.
- Require a public hearing, which is properly noticed in the news paper, in Town, and to abutters, on all subdivisions and lot line adjustments, regardless of their size.
- Revise the current language in the subdivision regulations on acceptance and approval deadlines and extension of deadlines to meet current state law, RSA 676:4.
- Remove the requirement that the applicant provide a letter to the Planning Board stating if the subject parcel is in Current Use.
- Require that all waiver requests be provided in writing to the Planning Board at the time the application is submitted.

Goal

To improve the current Subdivision Regulations.

Recommendations

- Review the current soil based lot sizing requirement to ensure that it meets best management practices and current research.
- Review the current provision of open space requirements to assess the effectiveness of such a provision, as it is currently written.
- Review the current subdivision road standards as they relate to the development of public vs. private subdivision roads.

METHODS TO ACHIEVE FUTURE LAND USE VISION **NON-REGULATORY RECOMMENDATIONS**

The following information and recommendations specifically focus on non-regulatory ideas, recommendations, strategies, and changes that the Town can implement to meet the future land use vision.

Build-Out Analysis

A build-out analysis is a process by which land use regulations and physical land constraints are analyzed to see how many lots/areas can be developed under those conditions until there is no more developable land remaining – the town would be “built-out.” The development of this analysis gives the Planning Board a tool that can be used to evaluate current land development standards. It also gives other Town Departments and the School Department the information necessary for their future planning. Alternative build-out scenarios can also be done showing build-out with various inputs, i.e., zoning changes and land purchase by Town. The results of the analyses will help the Town plan for future community facilities expansion as well as provide input on the impacts of proposed zoning changes and land development purchases.

Land Use Boards

The Planning Board and Zoning Board of Adjustment are the two boards in Sutton that determine land use development activity. Those serving on the Planning Board and ZBA are currently appointed by the Board of Selectmen, with members serving 3 year terms. The Boards develop their own rules of procedure, application processes, and meeting schedules.

Zoning Code Enforcement

Code enforcement encompasses enforcing the Zoning, Site Plan, and Subdivision Regulations of the town. Zoning Enforcement includes ensuring that what is being built and operated in Sutton meets the current Zoning Regulations and that what has been approved by the Planning Board is being built according to the approved plans (Subdivision and Site Plan Review).

Goal

To ensure that the most accurate data is available prior to making land use regulation changes.

Recommendations

- Research the development and funding of digital tax parcel data that could be used in a build-out analysis.
- Once digital parcel data has been developed, link the Assessors database to the digital parcel data.
- Consider conducting a build-out analysis using current Zoning and Subdivision Regulations, as well as conducting an analysis prior to proposing any major Zoning or Subdivision Regulation changes to see what the land use impact could be.

Goal

Ensure that the roles, process, procedures, and implementation that relate to land use boards are clear and meet the goals of the Town.

- The Planning Board and ZBA should annually review their Rules of Procedure to ensure that they are up-to-date and meet state RSAs.
- Revise the application procedures for the Planning Board and ZBA to ensure that they are easily understandable, meet state RSAs, and are compatible with the Board regulation requirements.
- Revise the Zoning Ordinance to make it more reader-friendly by including a Table of Uses and a more detailed Index, as well as reformatting the existing regulations.
- Hire a Code Enforcement Officer to ensure that the Zoning, Site Plan, and Subdivision Regulations are being followed, as well ensuring that the developments being built are done so in accordance with their approvals. This could be on a part-time or consultant basis, or as a shared staff person with abutting towns.
- Research the establishment of an elected Planning Board.

CONCLUSION

In summary, the economy of Sutton is healthy. In the long-term, Sutton desires to maintain and develop an economic base that complements the rural community character of the Town.

Residents want to encourage well designed, aesthetically pleasing commercial and industrial developments. Businesses that are environmentally sound and financially viable, with reasonable wages and benefits, help to stabilize the community and should continue to form an important piece of Sutton's economic base. Well-planned and well-placed retail, industrial, and commercial businesses contribute to the economic prosperity of Sutton and further attention should be paid to the location of future economic development within Town.